

EXHIBIT 5

Christa Katsenes vs
U.S. Bank Trust, N.A., et al

Tonya M. Tillman
July 22, 2021

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1 Pleasant Street, Dover is in the name husband and
2 wife, tenants by the entirety, Christa and William
3 Katsenes, all three of those documents, and I point
4 out to you that it is several weeks before the
5 assignment of the mortgage goes on record.

6 with all of that in mind, let me ask you a
7 couple of questions. Is there any reason that you
8 can explain why with all of that title information
9 in the file this loan wasn't pulled out of the
10 package because it wasn't a first lien mortgage on
11 fee simple? Any reason you can explain?

12 A. No.

13 Q. What obligation does Caliber have as
14 servicing agent for the seller, servicing agent for
15 the buyer as this transaction approaches closure and
16 money is passed to point out, hold it, this is not
17 clear title? What obligation do you have?

18 A. As Caliber as the servicer?

19 Q. As Caliber as the service agent.

20 A. Well, if it doesn't have clear title, it's
21 up to us to see why it's not and -- and see if we
22 can get title clear, reach out to the entities to
23 clear those.

24 Q. And is that exactly what you did? Caliber

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1 to clear the title got a title insurance policy,
2 didn't they?

3 A. Yes.

4 Q. And yet Caliber knew that a title insurance
5 policy was going to guarantee the mortgage would --
6 the mortgagee had good clear title but Caliber knew
7 it didn't have good clear title?

8 MS. CHARPENTIER: Objection.

9 A. I believe the report is pretty standard for
10 Caliber's business practices. Once they found out,
11 it looks like they went ahead and tried to get those
12 cleared, but I don't think they know that when they
13 get the loan itself, that there's an issue with the
14 title.

15 Q. Is it Caliber that ordered the title
16 insurance policy?

17 A. I believe it was LSF9.

18 Q. Before the money changed hands?

19 A. I'm not sure when it happened.

20 Q. Well, if you want to -- do you want to turn
21 to Exhibit 16 which is the title insurance policy.

22 A. Exhibit 16. Okay.

23 Q. All right. Can we at least agree upon the
24 following: This title insurance policy -- if you